

1 EDMUND G. BROWN JR.
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 STEPHEN A. MILLS
Deputy Attorney General
4 State Bar No. 54145
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2539
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. **2010-569**

12 **PAMELA RECENE BARTLETT aka**
13 **PAMELA RECENE MELZER**

14 11335 Pagosi Road
Apple Valley, CA 92308

ACCUSATION

15 Registered Nurse License No. 559129

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs (Board).

23 2. On or about August 24, 1999, the Board issued Registered Nurse License No. 559129
24 to Pamela Recene Bartlett aka Pamela Recene Melzer (Respondent). The Registered Nurse
25 License expired on November 30, 2008, and has not been renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 118, subdivision (b), provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 490 provides that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

6. Section 2750 provides that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

7. Section 2764 provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an expired license at any time within eight (8) years after the expiration.

8. Section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, . . .

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.

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"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof. . . ."

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1 **COST RECOVERY**

2 11. Section 125.3 provides that the Board may request the administrative law judge to
3 direct a licensee found to have committed a violation or violations of the licensing act to pay a
4 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Convictions of Substantially Related Crimes)**

7 12. Respondent is subject to disciplinary action under sections 490 and 2761,
8 subdivision (f), in conjunction with California Code of Regulations, title 16, section 1444, in that
9 Respondent was convicted of crimes substantially related to the functions or duties of a registered
10 nurse which to a substantial degree evidence her present or potential unfitness as a registered
11 nurse to practice in a manner consistent with the public health, safety, or welfare. The
12 circumstances of the conviction are as follows:

13 a. On or about February 2, 2009, after pleading guilty, Respondent was convicted of one
14 felony count of violating Penal Code section 452(c) [unlawfully causing fire of structure/forest
15 land] in the criminal proceeding entitled *The People of the State of California v. Pamela Recene*
16 *Bartlett* (Super. Ct. San Bernardino County, 2008, No. FVI802654). On April 17, 2009, the
17 Court sentenced Respondent to 90 days in jail, and placed her on 36 months of probation. The
18 circumstances underlying the conviction are that on or prior to September 8, 2008, Respondent
19 entered the backyard of her ex-Alcoholics Anonymous Sponsor's residence, started a fire burning
20 patio furniture, and broke one of the home's windows.

21 b. On or about April 17, 2009, after pleading guilty, Respondent was convicted of one
22 misdemeanor count of violating Vehicle Code section 23152(b) [driving while having a 0.08%
23 BAC or more] in the criminal proceeding entitled *The People of the State of California v. Pamela*
24 *Recene Bartlett* (Super. Ct. San Bernardino County, 2008, No. TVI900434). The Court placed
25 Respondent on 36 months probation, and ordered her to attend a 4-month, First Offender Alcohol
26 program. The circumstances underlying the conviction are that on or about November 20, 2008,
27 admittedly within five (5) minutes of drinking two (2) glasses of Jack and Coke, Respondent
28 drove a vehicle while under the influence of alcohol.

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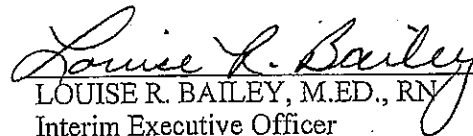
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1 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
2 enforcement of this case, pursuant to section 125.3; and

3 3. Taking such other and further action as deemed necessary and proper.
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6 DATED: _____

5/3/10


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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